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1	IN THE UNITED STATES DISTRICT COURT FOR	1	INDEX OF WITNESSES (CONT'D)
2	THE MIDDLE DISTRICT OF ALABAMA	2	Government's Witnesses: Page
3	NORTHERN DIVISION	3	GENE SISSON
4		4	Direct Examination by Mr. Brown: 434
5		5	Cross-Examination by Mr. Madison: 567
6	UNITED STATES OF AMERICA	6	Cross-Examination by Mr. Bell: 606
7		7	Closing Arguments:
8	Vs. CR. NO. 02-07-N	8	By Mr. Brown: 712
9		9	By Mr. Madison: 722
10	JIMMY CARTER, JR. and	10	By Mr. Bell: 730
11	ARTRONE CHEATHAM	11	By Mr. Brown: 741
12	* * * * *	12	Jury Charge: 746
13	JURY TRIAL	13	Carter Verdict Read: 779
14	* * * * *	14	Cheatham Verdict Read: 795
15	Before Hon. Mark E. Fuller, Judge,	15	Reporter's Certificate: 800
16	and a Jury, at Montgomery, Alabama,	16	
17	Commencing on June 16, 2003	17	
18	* * * * *	18	
19	VOL. I (June 16, 2003)	19	
20	APPEARANCES: For the Government: Todd A. Brown,	20	
21	Assistant U.S. Attorney	21	
22	For the Defendant, Carter: Maurice S. Bell,	22	
23	Attorney at Law Federal	23	
24	For the Defendant, Cheatham: Donald G. Madison,	24	
25	Attorney at Law	25	
1	INDEX Page 2	1	(The above case coming on for trial at Montgomery,
2	Page	2	Alabama, June 16, 2003, before Honorable Mark E. Fuller,
3	Opening Statements:	3	Judge, and a Jury, the following proceedings were had on June
4	By The Court: 6	4	16, 2003, commencing at 10:15 a.m.):
5	By Mr. Brown: 17	5	THE COURT: Good morning, ladies and gentlemen. Mr.
6	By Mr. Bell: 22	6	Brown, do you have something you need to bring to the Court's
7	By Mr. Madison: 24	7	attention?
8	INDEX OF WITNESSES	8	MR. BROWN: Can I bring some things to the Court,
9	Government's Witnesses: Page	9	Your Honor?
10	WALLACE SALARY	10	THE COURT: You may.
11	Direct Examination by Mr. Brown: 27	11	MR. BROWN: Thank you. (complies)
12	Cross-Examination by Mr. Bell: 37	12	THE COURT: Has the jury been sworn?
13	Cross-Examination by Mr. Madison: 164	13	THE CLERK: No, sir.
14	Redirect Examination by Mr. Brown: 203	14	THE COURT: Ladies and gentlemen, I assure you that
15	Recross-Examination by Mr. Bell: 206	15	there will be times that as we go through it will seem as if
16	Recross-Examination by Mr. Madison: 243	16	we are not being as productive as it seems to you as you sit
17	MICHAEL DARDEN	17	back in the jury room, but we are going to try to make your
18	Direct Examination by Mr. Brown: 246	18	stay as comfortable as we can, and I assure you that in your
19	Cross-Examination by Mr. Bell: 293	19	absence we will be working on things that we have to take up
20	Cross-Examination by Mr. Madison: 332	20	outside of your presence. We have been working this morning
21	Recross-Examination by Mr. Bell: 342	21	to try to make the time more expedient or the testimony that
22	LYNN GRIFFIN	22	you are going to hear in this case, and as we get started
23	Direct Examination by Mr. Brown: 268	23	this morning the first thing I would like you to do is stand
24	Cross-Examination by Mr. Bell: 280	24	and take your oath as jurors.
25	Cross-Examination by Mr. Madison: 287	25	THE CLERK: Raise your right hand. You, and each of
	Recross-Examination by Mr. Bell: 291		
	G.P. SHIRLEY		
	Direct Examination by Mr. Brown: 343		
	Cross-Examination by Mr. Bell: 351		
	Cross-Examination by Mr. Madison: 411		
	ROBERT THORNTON		
	Direct Examination by Mr. Brown: 419		
	Cross-Examination by Mr. Bell: 424		
	Cross-Examination by Mr. Madison: 430		

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1 conspiracy that they are trying to advance in front of y'all.
 2 And after you hear the evidence and after you have had an
 3 opportunity to judge those witnesses who are going to try to
 4 connect my client in some way with a conspiracy with Mr.
 5 Carter, then I think you are going to have no other
 6 alternative but to find my client not guilty of the
 7 conspiracy.
 8 Mr. Carter is going to be not guilty of the
 9 conspiracy because the proof is going to fail there as well.
 10 Neither one of those gentlemen reached any kind of agreement
 11 to perform any kind of conspiracy to distribute or sell crack
 12 cocaine. And that's something else that's going to be very
 13 important during your deliberations and as you are listening
 14 to the evidence. They are charged with selling or conspiring
 15 to sell crack cocaine, not powder cocaine.
 16 Now, you need to remember that because some of their
 17 witnesses are going to get up here and some of these persons
 18 who have been convicted in the past are going to try to talk
 19 about a lot of powder cocaine. That's not what they are
 20 charged with, that has nothing to do with my client. The
 21 indictment charges him with distributing crack cocaine. He
 22 hasn't distributed any crack cocaine or any cocaine
 23 hydrochloride as well. Judge those witnesses, look them in
 24 the eyes, determine whether they are trying to tell you the
 25 truth or whether they are lying on the stand. That's going to

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1 be y'all's job is to determine their credibility.
 2 Now, as Judge instructed you, the burden is on the
 3 government to prove beyond a reasonable doubt that my client
 4 is guilty. Now, it's going to be difficult for all of you
 5 sitting here listening to the evidence this week to separate
 6 the two Defendants, but you have got two Defendants there,
 7 and as you hear the evidence the Judge has instructed you
 8 some of those counts are going to deal with one of the
 9 Defendants so you have got to make up your mind whether Mr.
 10 Carter is guilty or not guilty of some of the possessory
 11 counts that he has been charged with.
 12 You have got to put a wall up between the two
 13 Defendants when you are looking at this evidence. On one side
 14 you have got Mr. Carter and one side you have got Mr.
 15 Cheatham. When you evaluate the evidence that's been
 16 presented to you you have got to separate them for the
 17 purpose of deciding whether the Defendants are guilty or not
 18 guilty.
 19 One count only applies to my client. Counts two
 20 through five have nothing to do with my client and those are
 21 the only counts that any physical evidence is going to be
 22 presented to you. And I want you to remember that when it
 23 comes time to render a verdict in this case. Thank you very
 24 much.
 25 THE COURT: Mr. Brown, is the government prepared to

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1 call its first witness?
 2 MR. BROWN: Yes, Your Honor, the government calls
 3 Wallace Salary.
 4 THE CLERK: You do solemnly swear or affirm that the
 5 testimony you give in the trial of this cause to be the
 6 truth, the whole truth, and nothing but the truth, so help
 7 you God.
 8 THE WITNESS: Yes, ma'am.
 9 THE COURT: Mr. Salary, if you will scoot up and
 10 adjust the microphone so that you can speak in there and the
 11 ladies and gentlemen of the jury can hear you. And ladies and
 12 gentlemen, if there comes a point where you can not hear the
 13 witness or the attorneys, if you will just get my attention
 14 and we will make sure that they speak up so that you can hear
 15 what they have to say at any time during the trial.
 16 MR. BROWN: Thank you, Your Honor.
 17 WALLACE SALARY, witness for the Government,
 18 having been duly sworn or affirmed, testified as follows:
 19 DIRECT EXAMINATION
 20 BY MR. BROWN:
 21 Q. Would you tell the jury your name, please.
 22 A. Wallace Salary.
 23 Q. Mr. Salary, you are currently incarcerated; is that
 24 correct?
 25 A. Yes, sir.

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1 Q. Where?
 2 A. Talladega.
 3 Q. What is the basis of you being incarcerated?
 4 A. I got convicted for a drug conspiracy.
 5 Q. Is that a federal conspiracy?
 6 A. Federal charges.
 7 Q. You also had some earlier convictions in state court; is
 8 that correct?
 9 A. Yes, sir.
 10 Q. What are those?
 11 A. Receiving stolen property, shooting into an unoccupied
 12 vehicle and possession of marijuana.
 13 Q. Now, you and I have talked previously; is that right?
 14 A. Yes, sir.
 15 Q. And part of the reason that you are here to testify
 16 today is anticipating some sort of reduction in your federal
 17 sentence; is that right?
 18 A. Yes, sir.
 19 Q. But based on what we have talked about before you
 20 understand that you are here and you are under oath and you
 21 are to tell the truth; is that correct?
 22 A. Yes, sir.
 23 Q. And you are going to do that today?
 24 A. Yes, sir.
 25 Q. Do you know someone by the name of Jimmy Carter?

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1 A. Yes, sir.
 2 Q. When did you meet Jimmy Carter?
 3 A. About early part of '95.
 4 Q. '95?
 5 A. Yes, sir.
 6 Q. How did that come about, you meeting him?
 7 A. Well, me and Jimmy met through a guy named Columbus
 8 Byrd.
 9 Q. What was the nature of that meeting?
 10 A. Well, I was -- met Columbus Byrd he was buying cocaine
 11 from me back in '95 and he brought Jimmy Carter to --
 12 MR. BELL: Your Honor, may I object and ask to
 13 approach the bench, please?
 14 THE COURT: State your grounds, Mr. Bell. State
 15 your grounds.
 16 MR. BELL: Your Honor, I believe the indictment
 17 states that this conspiracy or whatever acted in '99 to the
 18 year 2002. He is testifying as to events that occurred in
 19 '97.
 20 THE COURT: I think he testified that he first met
 21 Mr. Carter in 1995.
 22 MR. BELL: Yes, but he also just stated that he met
 23 him by giving him cocaine in '97.
 24 THE COURT: Objection overruled. I am sure that if
 25 you listen to the facts about what was alleged in the

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1 indictment --
 2 MR. BROWN: Thank you.
 3 Q. You were talking about meeting with Christopher Columbus
 4 Byrd and that he was buying drugs from you?
 5 A. Yes, he was buying drugs at that time.
 6 Q. Okay. Please continue. You were talking about the
 7 meeting.
 8 A. When I first met Columbus Byrd he started buying drugs
 9 from me and then I started fronting him drugs and he ran off
 10 with the money. But in the process he had brought Jimmy
 11 Carter as another person that were buying dope from me at the
 12 time too.
 13 Q. Let me stop you for just a second because some of the
 14 jurors are not going to understand some of the terms. When
 15 you say front someone drugs what does that mean?
 16 A. That means he didn't have to pay me until after he sold
 17 it.
 18 Q. So he would get drugs from you and then would pay for
 19 them later?
 20 A. Pay for them two or three days later.
 21 Q. Okay. At some point you said that Christopher Byrd
 22 brought Jimmy Carter to you?
 23 A. Yeah, he brought Jimmy Carter along with him to sell
 24 drugs at the time. But I was looking for people to sell
 25 drugs for me to keep me from being out there to sell it

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1 myself, so I always got somebody else to sell it for me. So
 2 Columbus came first and then he brought Jimmy along with him.
 3 And I started fronting -- after Columbus ran off with the
 4 money I started fronting dope to Jimmy.
 5 Q. What kind of quantities are we talking about when y'all
 6 first started talking with each other?
 7 A. When I first started dealing it was one or two ounces
 8 and then it went up to half a keys and kilos.
 9 Q. How much would you sell one to two ounces to Jimmy
 10 Carter for?
 11 A. A thousand dollars apiece.
 12 Q. And how much would you sell a kilogram or -- you said a
 13 half kilogram?
 14 A. Half a key would be 15 thousand.
 15 Q. You said that started in 1997, when -- how long did it
 16 take to go from the one or two ounces up to the half a
 17 kilogram?
 18 A. Not long, seems like in maybe between three and four
 19 months, took that long, then moved up, gradually moved up
 20 until he started getting a half a key. I didn't want to keep
 21 coming back and forth to the project he was in so he wouldn't
 22 have to come back as many times.
 23 Q. When you were saying that he was getting the half a key
 24 or half a kilogram quantities at 15 thousand dollars apiece,
 25 how often would that happen, how many times a week or a month

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1 would that happen?
 2 A. Sometimes it would happen like he would come twice a
 3 week. That what made me start giving him the whole keys, he
 4 was coming so fast so I figured he needed more so I started
 5 giving him the whole key at the time. Then it would take him
 6 a week to sell that, then I moved him up to two.
 7 Q. Two keys?
 8 A. Two keys, yeah.
 9 Q. Would you give any kind of price break on two keys or
 10 would you -- how much would you sell it for?
 11 A. I would still sell it for 30 thousand dollars because
 12 they had a little thing they had going on, when they cooked
 13 the dope where they blow it up to -- say if I take 28 grams
 14 of powder and put it in a cup and put it in the microwave and
 15 put baking soda and cook it up I could stretch it, instead of
 16 28 grams it would be 42 grams.
 17 Q. So explain -- and I am going to take a step back, you
 18 said cook it up and that's that process you described about
 19 putting it in the microwave?
 20 A. What you do is change it from the powder form to crack
 21 form.
 22 Q. And when you did that it would increase the size?
 23 A. Yeah, increase the size to stretch it to a larger amount
 24 of crack.
 25 Q. Is that also what you mean by blowing it up?

1 A. Yeah, blowing it up is the same thing.
 2 Q. At some point in time did -- well, let me just fast
 3 forward to 1999, the year of 1999, were you still dealing
 4 with Mr. Carter at that time?
 5 A. Yes, sir.
 6 Q. Were you dealing with anyone else?
 7 A. Yeah, Mr. Cheatham.
 8 Q. Explain your relationship with Mr. Carter and Mr.
 9 Cheatham as it relates to the drug business.
 10 A. After a while I needed more people to sell dope for me,
 11 so Cheatham had came to me a while back and inquired about me
 12 fronting him some dope and I told him when I got ready to get
 13 back into the game I would let him know. So when he heard
 14 about Jimmy getting the dope from me he came to me too, so I
 15 let him come two or three times by himself and me and him
 16 made the arrangement he would let Jimmy pick the dope up and
 17 Jimmy would bring the money. Jimmy was like the in-between
 18 man, he would get the dope and take it to Moochie. Moochie,
 19 that's Cheatham's nickname, and he would take the money back
 20 as well.
 21 Q. You mentioned two or three times that Mr. Cheatham came
 22 by himself. What kind of quantities are we talking about
 23 there?
 24 A. Kilo.
 25 Q. Each time one kilo?

1 A. Yes. Sometimes during the first of the month they would
 2 come -- sometimes they would sell a key in a day, so, you
 3 know, by them selling a key in a day sometimes they would
 4 come two or three times that week just for one kilo.
 5 Q. Okay. Mr. Cheatham came directly two or three times
 6 himself but Mr. Carter came on the other occasions?
 7 A. Yeah, because there was too much traffic and the place I
 8 was in was near my mom's house and she was kind of getting --
 9 didn't want us around there so I like cut down on the traffic
 10 and just let him come by himself.
 11 Q. Okay. In 1999 what were you actually selling to Mr.
 12 Carter and Mr. Cheatham, was it cocaine powder or cocaine
 13 hydrochloride?
 14 A. It was sort of like both. Sometimes I would run out and
 15 I would have to buy from somebody that was right there in
 16 town. So if it was already ready I would give them -- just
 17 give it to them already cooked up, if not, me and Jimmy would
 18 sit down in my office and cook it up ourself.
 19 Q. How often did that happen?
 20 A. How often?
 21 Q. That you would cook it up yourself?
 22 A. The majority of the time, you know, I can't -- about
 23 maybe 30 or 40 times we did that ourself, sit down at my
 24 house or in my office or at my brother's house and we would
 25 start at 8:00 o'clock in the morning and didn't get finished

1 until 3:00 o'clock in the afternoon cooking up two or three
 2 keys.
 3 Q. Okay. Was there ever a time that you had sold cocaine
 4 powder in that form or did you always either buy it hard or
 5 cook it up and make it hard?
 6 A. Most of the time I bought it and we cooked it up and
 7 make it hard. A few times I had to buy it it was already
 8 ready when my supplier hadn't made it to town and make sure
 9 they have kept everything going we bought some from somebody
 10 else to keep them going.
 11 Q. You said getting it from your main supplier, who was
 12 your main supplier?
 13 A. A lady by the name of Mary Mitchell out of Miami.
 14 Q. Miami, Florida?
 15 A. Miami, Florida, yes, sir.
 16 Q. Overall during the year of 1999 how many times would you
 17 say that you sold or how many keys would you say you sold to
 18 Mr. Carter and Mr. Cheatham?
 19 A. Well, between the both of them I would say between -- 60
 20 keys. Both of them would have come about 30 -- between 30
 21 apiece.
 22 Q. And each of those times you are selling them for 30?
 23 A. 30 thousand apiece.
 24 Q. Now, in regards to Mr. Cheatham, did you also have
 25 another place where you would meet with him fairly

1 frequently?
 2 A. Most of the time I would see him at the car auction.
 3 Both of us had dealer license and when I would be at the
 4 auction I would see him. He would tell me whether it was good
 5 or bad, they needed some more of that, or can I get some more
 6 of that kind of dope or whatever, you know.
 7 Q. Did you -- did you prefer to discuss those drug
 8 transactions at the auction?
 9 A. No, I didn't. Most of the time I just tell him to refer
 10 to Jimmy and let Jimmy know what was going on and he would
 11 let me know.
 12 MR. BROWN: May I have just a minute, Your Honor?
 13 THE COURT: Yes.
 14 Q. You said something a minute ago and I forgot to ask you
 15 about it. You mentioned when you started moving up in
 16 quantities with Mr. Carter and you mentioned a housing
 17 project.
 18 A. Well, the same place I really met him and Mr. Byrd at in
 19 Tulane Court.
 20 Q. Do now specifically where that was?
 21 A. Over here off High Street somewhere.
 22 Q. Okay. Do you know the number of the residence?
 23 A. I don't know the number of the residence, but a female
 24 that Jimmy was living with by the name of Nicole at that
 25 time, that's where we used to meet at her house.